

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

**UNITED STATES OF AMERICA,**

**Plaintiff,**

**vs.**

**LOWELL ELDON FANNING,  
ROCKY FRY, and  
OTTO R. ROWELL,**

**Defendants.**

**8:13CR317**

**ORDER**

This matter is before the court on the motion for an extension of time by defendant Otto R. Rowell (Rowell) (Filing No. 27). Rowell seeks an extension of thirty days in which to file pretrial motions in accordance with the progression order (Filing No. 24). Rowell has filed an affidavit wherein he consents to the motion and acknowledges he understand the additional time may be excludable time for the purposes of the Speedy Trial Act (Filing No. 28). It is represented that government's counsel has no objection to the motion. Upon consideration, the motion will be granted, and the **pretrial motion deadline will be extended as to all defendants.**

**IT IS ORDERED:**

Defendant Rowell's motion for an extension of time (Filing No. 27) is granted. **All defendants** are given until **on or before October 24, 2013**, in which to file pretrial motions pursuant to the progression order. The ends of justice have been served by granting such motion and outweigh the interests of the public and the defendants in a speedy trial. The additional **time** arising as a result of the granting of the motion, i.e., the time between **September 12, 2013, and October 24, 2013**, shall be deemed **excludable** time in any computation of time under the requirement of the Speedy Trial Act for the reason defendants' counsel require additional time to adequately prepare the case, taking into consideration due diligence of counsel, and the novelty and complexity of this case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(7)(A) & (B).

DATED this 12th day of September, 2013.

BY THE COURT:

s/ Thomas D. Thalken  
United States Magistrate Judge